

PTO/SB/21 (01-03)

Approved for use through 04/30/2003. OMB 0551-0051

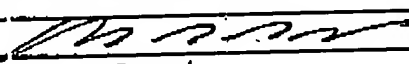
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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/761,380 | |
| | Filing Date | 02/18/2004 | |
| | First Named Inventor | KENNEDY | |
| | Art Unit | | |
| | Examiner Name | | |
| Total Number of Pages in This Submission | 32 | Attorney Docket Number | 6865-20-2 |

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| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks No fees are believed necessary, but please charge any deficiencies to Deposit Account No. 50-3951. | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

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|---|---|
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
| Firm or Individual | AKERMAN SENTERFITT Mark D. Passler, Registration No. 40,764 |
| Signature |  |
| Date | 7-29-04 |

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of KENNEDY et al.

Application No. 10/781,380

Examiner:

Filed: February 18, 2004

Group Art Unit:

For: HAIR COLORING DEVICE AND METHODS

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR 81.27(b)**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450 on 7-29-04.

Mark D. Passler Reg. No. 40,764
Mark D. Passler

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. In accordance with the Rules in effect for applications filed after June 30, 2003, copies of U.S. patents and/or patent application publications are not enclosed.

The references were cited in part in Office Actions/Search Reports issued by the European, Great Britain, Japanese and Chinese patent offices on counterpart foreign applications. A copy of the EP and GB search reports are enclosed for the Examiner's information. A copy a translation into English of relevant parts of the Japanese Office Action is also enclosed. Please note that U.S. Patent No. 6,746,165 cited herein is a U.S. equivalent of JP 2003-024128 cited in the JP Office Action. Similarly, U.S. Patent No. 6,626,599 cited herein is a U.S. equivalent of JP 2001-224424 cited in the JP Office Action. U.S. Patent No. 2,865,383 to McDougall Kaley cited in the EP search report is an equivalent of GB 808,762 and GB 819,778 (WP180535:1)

1



European Patent Office

EUROPEAN SEARCH REPORT

Application Number
EP 04 25 0852

| DOCUMENTS CONSIDERED TO BE RELEVANT | | | |
|--|--|---|--|
| Category | Citation of document with indication, where appropriate, of relevant passages | Relevant to claim | CLASSIFICATION OF THE APPLICATION (Inventor) |
| X | US 2003/024544 A1 (THIEBAUT LAURE) 6 February 2003 (2003-02-06) * paragraph '00091 - paragraph '00221 * * paragraph '00351 - paragraph '00501; claims; figures * | 1, 2, 4, 5 | A45D19/02 |
| A | US 2 865 383 A (MCDUGALL KALEY FLORA) 23 December 1958 (1958-12-23) * the whole document * | 1-13 | |
| | | | TECHNICAL FIELDS SEARCHED (Inventor) |
| | | | A45D A46B |
| The present search report has been drawn up for all claims | | | |
| Place of search MUNICH | | Date of completion of the search 10 May 2004 | Examiner Acerb1s, G |
| CATEGORY OF CITED DOCUMENTS | | | |
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PTO/SB/08A (04-03)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

| | |
|------------------------|------------|
| Application Number | 10/781,380 |
| Filing Date | 02/18/2004 |
| First Named Inventor | KENNEDY |
| Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 6865-20-2 |

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|---|--------------------------------|--|---|
| | | US- 5,972,043 | 10/26/1999 | GALVAN et al. | |
| | | US- 8,513,534-B1 | 02/04/2003 | SOFER et al. | |
| | | US- 6,626,599-B2 | 09/30/2003 | DE LAFORCADE | |
| | | US- 6,748,185-B2 | 06/08/2004 | DE LAFORCADE | |
| | | US- 6,357,449-B1 | 03/19/2002 | CHU et al. | |
| | | US- 3,491,774 | 01/27/1970 | CARBONE | |
| | | US- 4,958,647 | 09/25/1990 | BUSCH et al. | |
| | | US- 3,050,271 | 04/18/2000 | SPENCER | |
| | | US- 3,062,230 | 05/16/2000 | KAJGANA | |
| | | US- 2003/0024544-A1 | 02/06/2003 | THIEBAUT | |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|--|--------------------------------|--|---|----------------|
| | | JP- 2002-345543 | 12/03/2002 | SAKAMOTO | | |
| | | CN- 2320094-Y | 05/26/1998 | YU | | |
| | | GB- 308,762-A | 02/11/1958 | MCDUGALL-KALEY | | |
| | | GB- 318,778-A | 09/09/1959 | MCDUGALL-KALEY | | |
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Examiner
SignatureDate
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

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OFFICE ACTION

APPLICATION NO.
DATE ACTION WAS DRAFTED
EXAMINER
AGENT
Article(s) that was /were applied

2004-042485
June 30, 2004
E. Kanamaru (Mr.)
Mamoru Ushiki
Article 29(2), 36 (Patent Law)

The application should be rejected for the following reasons. If applicant has any argument against this action, he/she must submit the same within 3 months from the date the action was transmitted.

Reasons

A. The invention in the claims listed below of the subject application should not be granted a patent under the provision of Patent Law Section 29(2) since it could have easily been made by persons who have common knowledge in the technical field to which the invention pertains, on the basis of the prior arts described in the publications listed below which were distributed in Japan or foreign countries prior to the filing of the subject application.

Note

Claims 1-6

Cited references

1. Japanese Unexamined Patent Publication No. 2002-345543 (herein after called as "the first reference")
2. Japanese Unexamined Patent Publication No. 2003-024128 (herein after called as "the second reference")
3. Japanese Unexamined Patent Publication No. 2001-224424 (herein after called as "the third reference")

Remarks

Re: Claims 1-6

The prior art described in the first reference comprises a housing, a brush, wherein the brush rotates relative to the housing, and a hair coloring material supplying portion, wherein the hair coloring material is placed so as to contact the brush. On the other hand, the hair coloring material applicator comprising an opening for receiving at least one strand of hair is described in the second and the third references. Other features such as configuration of a brush, rotation of the brush caused by a motor, a relative location between an opening and a hair coloring material supplying portion, biasing mechanism and a guide would have been obvious to one of ordinary skill in the art.

B. The present application does not meet the requirements as stipulated by paragraphs 6-2, Article 36 of Patent Law, under the hereinbelow-described particulars.

1. "A braking mechanism" is described in claim 13, however the braking mechanism is not technically graspable at all.